



City of Albuquerque

Legislative File Number O-06-37 (version 2)

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## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

**Amending F/S O-05-135 (Enactment No. O-2006-018), Portions of the HEART Ordinance, To Clarify the Requirement To Provide Access To Water and To Clarify An Exception To The Activities That Constitute Cruelty (Mayer)**

## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

**AMENDING F/S O-05-135 (ENACTMENT NO. O-2006-018), PORTIONS OF THE HEART ORDINANCE, TO CLARIFY THE REQUIREMENT TO PROVIDE ACCESS TO WATER AND TO CLARIFY AN EXCEPTION TO THE ACTIVITIES THAT CONSTITUTE CRUELTY.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:**

**Section 1. Section 9-2-2-1(A)(2) of Enactment No. O-2006-18, regarding required care and maintenance for mammals and birds kept on residential property, is amended as follows:**

**“(2) Water. Mammals and birds shall be provided with constant access to a supply of Potable Water in sufficient amount as to maintain good health as required by the species whether Animals are outdoors or indoors except as directed by a Veterinarian.”**

**Section 2. Section 9-2-4-2(P) of Enactment No. O-2006-18, regarding specific activities that constitute cruelty to an animal, is amended as follows:**

**“(P) Any Person who violates any provision of §9-2-2-1 except (F) and (G), §9-2-2-2, §9-2-2-3 except (F) and (G), §9-2-2-4, §9-2-2-5 or §9-2-2-6 is guilty of**

**Cruelty and shall be cited for Cruelty. The failure to restrict an Animal by use of a leash or the use of a leash that is longer than eight (8) feet is not Cruelty.”**

**Section 3. Section 5 of Enactment No. O-2006-18 is amended as follows:  
'SECTION 5. EFFECTIVE DATE. This ordinance shall take effect October 10, 2006 after publication by title and general summary. After the effective date, Companion Animals Owners are hereby given a six month grace period within which to Alter and Microchip Companion Animals.'**

**Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.**

**Section 5. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.**

**Section 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.**

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